

REPORT

OF THE

JOINT COMMITTEE OF CONFERENCE

ON THE

DISAGREEING VOTES BETWEEN THE SENATE AND HOUSE OF REPRESENTATIVES UPON THE BILL FOR THE ADMISSION OF KANSAS.

ALSO

REMARKS OF HON. WM. H. ENGLISH, OF INDIANA,

ON THE

BILL REPORTED BY THE JOINT COMMITTEE.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, APRIL 23, 1858.

The House being in Committee of the Whole, Mr. ENGLISH said :

Mr. CHAIRMAN : On yesterday I gave notice to the House that I intended, at one o'clock to-day, to make a report from the committee of conference in relation to the disagreeing votes between the two Houses upon the bill for the admission of Kansas. To enable me to make a report, I move that the committee now rise.

The motion was agreed to.

So the committee rose ; and the Speaker having resumed the chair—

Mr. ENGLISH said :

Mr. SPEAKER : I am instructed by the committee of conference, appointed by the two Houses upon the disagreeing votes of the two Houses on the bill entitled " A bill for the admission of Kansas," to make the report which I now send to the Clerk's desk.

The report was read, and is as follows :

The committee of conference, appointed to consider the disagreeing votes of the two Houses on the amendment to the Senate bill No. 161, entitled " A bill for the admission of the State of Kansas," report that they have had the subject under consideration, and have given it that careful, patient, and mature deliberation which they conceive its importance demands, and have agreed upon an amendment in the nature of a substitute for the House amendment to the Senate bill.

They *earnestly* recommend the adoption of this amendment by the two Houses of Congress.

JAMES S. GREEN,

R. M. T. HUNTER,

Managers on the part of the Senate.

WILLIAM H. ENGLISH,

ALEXANDER H. STEPHENS,

Managers on the part of the House.

The undersigned, one of the managers on the part of the Senate, does not agree in the foregoing report.

WILLIAM H. SEWARD.

The undersigned, one of the managers on the part of the House, does not agree in the foregoing report.

WILLIAM A. HOWARD.

Whereas the people of the Territory of Kansas did, by a convention of delegates assembled at Leecompton, on the 7th day of November, 1857, for that purpose, form for themselves a constitution and State government, which constitution is republican ; and whereas, at the same time and place, said convention did adopt an ordinance, which said ordinance asserts that Kansas, when admitted as a State, will have an undoubted right to tax the lands within her limits belonging to the United States, and proposes to relinquish said asserted right if certain conditions set forth in said ordinance be accepted and agreed to by the Congress of the United States ; and whereas the said constitution and ordinance have been presented to Congress by order of said convention, and admission of said Territory into the Union thereon as a State requested ; and whereas said ordinance is not acceptable to Congress, and it is desirable to ascertain whether the people of Kansas concur in the changes in

said ordinance, hereinafter stated, and desire admission into the Union as a State as herein proposed : Therefore—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Kansas be, and is hereby, admitted into the Union on an equal footing with the original States in all respects whatever, but upon this fundamental condition precedent, namely : That the question of admission, with the following proposition in lieu of the ordinance framed at Leecompton, be submitted to a vote of the people of Kansas, and assented to by them, or a majority of the voters voting at an election to be held for that purpose, namely : That the following propositions be, and the same are hereby, offered to the people of Kansas for acceptance or rejection, which, if accepted, shall be obligatory on the United States, and upon the said State of Kansas, to wit : First, that sections numbers sixteen and thirty-six in every township of public lands in said State, or, where either of said sections or any part thereof has been sold or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to said State for the use of schools. Second, that seventy-two sections of land shall be set apart and reserved for the support of a State university, to be selected by the governor of said State, subject to the approval of the Commissioner of the General Land Office, and to be appropriated and applied in such manner as the legislature of said State may prescribe for the purpose aforesaid, but for no other purpose. Third, that ten entire sections of land to be selected by the governor of said State, in legal subdivisions, shall be granted to said State for the purpose of completing the public buildings, or for the erection of others at the seat of government, under the direction of the legislature thereof. Fourth, that all salt springs within said State, not exceeding twelve in number, with six sections of land adjoining or as contiguous as may be to each, shall be granted to said State for its use, the same to be selected by the governor thereof, within one year after the admission of said State, and when so selected to be used or disposed of on such terms, conditions, and regulations as the legislature may direct : *Provided*, That no salt spring or land, the right whereof is now vested in any individual or individuals, or which may hereafter be confirmed or adjudged to any individual or individuals, shall, by this article, be granted to said State. Fifth, the five per centum of the net proceeds of the sales of all public lands lying within said State, which shall be sold by Congress after the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to said State for the purpose of making public roads and internal improvements, as the legislature shall direct : *Provided*, The foregoing propositions herein offered are on the condition that said State of Kansas shall never interfere with the primary disposal of the lands of the United States, or with any regulations which Congress may find necessary for securing the title in said soil to *bona fide* purchasers thereof, and that no tax shall be imposed on lands belonging to the United States, and that in no case shall non-resident proprietors be taxed higher than residents. Sixth, and that said State shall never tax the lands or property of the United States in that State.

At the said election the voting shall be by ballot, and by endorsing on his ballot, as each voter may please, proposition accepted, or proposition rejected. Should a majority of the votes cast be for proposition accepted, the President of the United States, as soon as the fact is duly made known to him, shall announce the same by proclamation ; and thereafter, and without any further proceedings on the part of Congress, the admission of the State of Kansas into the Union upon an equal footing with the original States, in all respects whatever, shall be complete and absolute, and said State shall be entitled to one member in the House of Representatives in the Congress of the United States, until the next census be taken by the federal government. But should a majority of the votes cast be for proposition rejected, it shall be deemed and held that the people of Kansas do not desire admission into the Union with said constitution under the conditions set forth in said proposition ; and in that event the people of said Territory are hereby authorized and empowered to form for themselves a constitution and State government, by the name of the State of Kansas, according to the federal Constitution, and may elect delegates for that purpose whenever, and not before, it is ascertained, by a census, duly and legally taken, that the population of said Territory equals or exceeds the ratio of representation required for a member of the House of Representatives of the Congress of the United States ; and whenever thereafter such delegates shall assemble in convention, they shall first determine by a vote whether it is the wish of the people of the proposed State to be admitted into the Union at that time, and, if so, shall proceed to form a constitution, and take all necessary steps for the establishment of a State government in conformity with the federal Constitution, subject to such limitations and restrictions as to the mode and manner of its approval or ratification by the people of the proposed State as they may have prescribed by law, and shall be entitled to admission into the Union as a State under such constitution thus fairly and legally made, with or without slavery, as said constitution may prescribe.

SEC. 2. *And be it further enacted*, That, for the purpose of insuring, as far as possible, that the election authorized by this act may be fair and free, the governor, United States

district attorney, and secretary of the Territory of Kansas, and the presiding officers of the two branches of its legislature, namely, the president of the council and the speaker of the house of representatives, are hereby constituted a board of commissioners to carry into effect the provisions of this act, and to use all the means necessary and proper to that end. Any three of them shall constitute a board, and the board shall have power and authority to designate and establish precincts for voting, or to adopt those already established; to cause the polls to be opened at such places as it may deem proper in the respective counties and election precincts of said Territory; to appoint, as judges of election, at each of the several places of voting, three discreet and respectable persons, any two of whom shall be competent to act; to require the sheriffs of the several counties, by themselves or deputies, to attend the judges at each of the places of voting, for the purpose of preserving peace and good order; or the said board may, instead of said sheriffs and their deputies, appoint, at their discretion, and in such instances as they may choose, other fit persons for the same purpose. The election hereby authorized shall continue one day only, and shall not be continued later than sundown on that day. The said board shall appoint the day for holding said election, and the said governor shall announce the same by proclamation; and the day shall be as early a one as is consistent with due notice thereof to the people of said Territory, subject to the provisions of this act. The said board shall have full power to prescribe the time, manner, and places of said election, and to direct the time and manner of the returns thereof, which returns shall be made to the said board, whose duty it shall be to announce the result by proclamation; and the said governor shall certify the same to the President of the United States without delay.

SEC. 3. *And be it further enacted*, That, in the election hereby authorized, all white male inhabitants of said Territory, over the age of twenty-one years, who possess the qualifications which were required by the laws of said Territory for a legal voter at the last general election for members of the territorial legislature, and none others, shall be allowed to vote; and this shall be the only qualification required to entitle the citizens to the right of suffrage in said election; and if any person not so qualified shall vote, or offer to vote, or if any person shall vote more than once at said election, or shall make, or cause to be made, any false, fictitious, or fraudulent returns, or shall alter or change any returns of said election, such persons shall, upon conviction thereof before any competent court of jurisdiction, be kept at hard labor for not less than six months and not more than three years.

SEC. 4. *And be it further enacted*, That the members of the aforesaid board of commissioners, and all persons appointed by them to carry into effect the provisions of this act, shall, before entering upon their duties, take an oath to perform faithfully the duties of their respective offices, and on failure thereof they shall be liable and subject to the same charges and penalties as are provided in like cases under the territorial laws.

SEC. 5. *And be it further enacted*, That the officers mentioned in the preceding section shall receive for their services the same compensation as is given for like services under the territorial laws.

Mr. ENGLISH. Mr. Speaker, in view of the state of the public business at this advanced period of the session, and of the fact that this subject has already been more thoroughly discussed than, perhaps, any other ever before Congress, I do not propose making any extended remarks; but I am authorized by a majority of the committee of conference on the part of the House to submit some of the views which they entertain in relation to the pending question, and which, in part, have influenced their action. They assumed the duties entrusted to them by the House, deeply impressed with the heavy responsibilities resting upon them.

A great question—perhaps the greatest of the age—one which has agitated and engrossed the public mind for the past four years—has at last come to a crisis; and its probable solution is brought directly to the decision of the representatives of the States and the people.

Whilst adhering to what they believe to be correct principles, the committee endeavored to discard that spirit which would endanger the passage of a great measure, and probably hazard the peace of the country, for the sake of an unimportant point or unmeaning word.

The amendment proposed as a substitute is the very best that the committee were able to agree upon in view of the embarrassing circumstances surrounding the question.

It is true that it proposes the admission of the State on a condition; but in this respect it does not differ from either the Senate bill or House amendment. Both of these measures propose admission on conditions varying in their character and object. Nor does it differ from several precedents in other cases, such as those of Michigan and Iowa. The reason of the propriety, if not necessity, of a condition in the case of Kansas grows out of the peculiar nature of the application. This is fully exemplified in the Senate bill; for the admission in it is on an "express condition," which, however, makes no provision for the acceptance by the people of Kansas of the terms therein prescribed. What might be the effect of this omission is not altogether clear. The ordinance adopted by the convention at Lecompton, and submitted with the constitution, asserts that "the State of Kansas will

possess the undoubted right to tax such lands for the support of her State government, or for other proper and legitimate purposes connected with her existence as a State." And this asserted right she proposes, on admission, to surrender, in consideration that the Congress of the United States will make her the following grants, namely :

"Sec. 1. That sections numbered eight, sixteen, twenty-four and thirty-six, in every township in the State or in case either of said numbered sections are or shall be otherwise disposed of, that other lands, equal thereto in value, and as contiguous as may be, shall be granted to the State to be applied exclusively to the support of common schools.

"Sec. 2. That all salt springs, and gold, silver, copper, lead, or other valuable mines, together with the lands necessary for their full occupation and use, shall be granted to said State for the use and benefit of said State; and the same shall be used or disposed of under such terms and conditions and regulations as the legislature of said State shall direct.

"Sec. 3. That five per centum of the proceeds of the sales of all public lands sold or held in trust, or otherwise, lying within the said State, whether sold before or after the admission of the State into the Union, after deducting all expenses incidental to the same, shall be paid to the said State of Kansas for the purposes following, to wit: two-fifths to be disbursed under the direction of the legislature of the State for the purpose of aiding the construction of railroads within said State, and the residue for the support of common schools.

"Sec. 4. That seventy-two sections, or two entire townships, shall be designated by the President of the United States, which shall be reserved for the use of a seminary of learning, and appropriated by the legislature of said State solely to the use of said seminary.

"Sec. 5. That each alternate section of land now owned, or which may hereafter be acquired by the United States, for twelve miles on each side of a line of railroad to be established or located from some point on the northern boundary of the State, leading southerly through said State in the direction of the Gulf of Mexico, and on each side of a line of railroad to be located and established from some point on the Missouri river, westwardly through said State in the direction of the Pacific ocean, shall be reserved and conveyed to said State of Kansas for the purpose of aiding in the construction of said railroad; and it shall be the duty of the Congress of the United States, in conjunction with the proper authorities of this State, to adopt immediate measures for carrying the several provisions herein contained into full effect."

The proposition made to Congress by this ordinance is of the most extraordinary character, and wholly inadmissible. A carefully-prepared estimate made at the General Land Office at the request of the committee, shows that Kansas would receive an aggregate in lands, under her ordinance, of twenty-three million five hundred and ninety-two thousand one hundred and sixty acres, worth, at the minimum government price, \$29,490,200; and this is exclusive of other benefits claimed, and of what she might receive for lands containing mines of the useful and precious metals, except coal lands. The amendment agreed to by the committee proposes to give her the usual grants which have been made to most of the new States, and which embrace precisely the same quantity proposed to be given by the Crittenden amendment. Under this amendment, Kansas would receive some twenty million acres of land less than she would receive under her ordinance; making a difference in favor of the United States, estimating the land at the minimum price, of \$25,000,000.

The amendment, in the nature of a substitute, agreed upon may not be perfect; but, if this fail, it is fair to presume that all available parliamentary expedients for reconciliation will be exhausted, and that the question will be left open to still further excite sectional prejudices, and endanger the peace and prosperity of the country.

If the substitute is passed, the Kansas question departs at once from the halls of Congress, perhaps never to return; but even if it should return, it will be at some future period, and deprived of all power of doing evil. The ship of State will have passed the breakers, and glided into a smooth and open sea, where there is reason to hope there will be no sectional storm for many years to come. The committee cannot see that the bill would be otherwise than beneficial to the people of Kansas, whilst they feel entirely certain that it would promote the best interests of the country at large. It is one of those cases, as they conceive, where much is to be gained and nothing lost, so far as desirable results are concerned.

Should the substitute be defeated, and the question left open, the committee very much fear the consequences would be unfortunate for the country, and that angry and threatening clouds would soon obscure her destiny.

The probabilities are that the agitation would continue in its most malignant form to excite the people, to separate the North from the South, and no man can foresee what would be the final result. The tendency would be to scatter terror and alarm throughout the country, paralyze its business, injuriously affect the value of private property, convulse the Union, and endanger its very existence. It will, indeed, be a fearful responsibility to hazard for a slight cause all the blessings which flow from the Union of these States.

There are great occasions in the progress of nations which, if wisely embraced, may exert a salutary influence upon their destiny for ages to come; but if neglected there can be no recovery from the evil consequences which may follow.

Such an occasion is now presented to the House, in the judgment of the committee; and having discharged their duty to the best of their ability under their convictions, they leave all others to act likewise for themselves.